FILEU

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION

2001-00-201-101-9:28

UNITED STATES OF AMERICA

v.

Case No. 8:03-cr-77-T-30TBM

SAMI AMIN AL-ARIAN SAMEEH HAMMOUDEH GHASSAN ZAYED BALLUT HATIM NAJI FARIZ

ORDER

This cause came on for consideration without oral argument upon:

- 1. Defendant Sami Al-Arian's Response to proposed juror questionnaire (Dkt. #488);
- 2. Defendant Hatem Fariz's Response to proposed juror questionnaire (Dkt. #489);
- 3. Defendant Ghassan Ballut's Renewed Objection to anonymous jury (Dkt. #491).

This Court has considered the objections to the proposed juror questionnaire that this Court provided to the parties on January 21, 2004. This Court defers the question of whether an anonymous jury will be empaneled in this matter until a time closer to trial. Further, this Court overrules in part and sustains in part the other objections to the proposed juror questionnaire. The Court has incorporated those changes suggested by the objections it has sustained into a new proposed juror questionnaire, which is attached as Exhibit "A" to this

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Order. Without waiving any previous argument or objection, this Court requests the parties file any <u>additional</u> or <u>new</u> objections that they may have to the new proposed juror questionnaire within thirty (30) days of the date of this Order.

JAMES S. MOODY, JR.

UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel/Parties of Record

S:\Odd\2003\03-cr-77 Al-Arian\03-cr-77 juror questionnaire order.wpd

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION

UNITED STATES OF AMERICA :

:

v. : CASE NO.: 8:03-CR-77-T-30TBM

:

SAMI AMIN AL-ARIAN, : SAMEEH HAMMOUDEH, : GHASSAN ZAYED BALLUT, : HATEM NAJI FARIZ :

JUROR QUESTIONNAIRE

General Instructions:

The questions on this form are asked to help the Court and the attorneys learn about your views on issues that may be related to this case. Its use will expedite the process of selecting a jury. The questions are not meant to invade your privacy, but to help select the best possible jury for this case. If there is any reason why you might not be able to give both sides a fair trial in this case, it is important to say so. Please answer each question as fully as you can. Your complete honesty is essential. If a question does not apply to you in any way, write N/A (Not Applicable), rather than leave the question blank. If you feel the answer is too personal, please say so in the space provided. You will have the opportunity to discuss your answer privately.

Please keep in mind that there are no right or wrong answers, only complete and incomplete answers. The fact that a particular question is asked does not imply that the subject is an issue in the case. If you do not understand a question, need more space for your response, or wish to make further comments about any question, please use the extra sheet attached to the back of the questionnaire. You are instructed not to discuss this case or questionnaire with anyone, including your family or fellow jurors. It is important that your answers be your own.

The case for which you are being questioned is <u>United States of America v. Sami Al-Arian, et al.</u> In this case there are four defendants against whom the government has brought charges of having been part of a conspiracy to commit various acts of racketeering, provide material support to or for the benefit of terrorists, and commit certain federal crimes including the conspiracy to commit the murder of persons outside the United States. Each

of the accused is entitled to separate consideration and the case against each person must be decided individually.

An indictment is merely an accusation. It is proof of nothing. You may draw no inference against any defendant from the fact that he has been indicted. Each defendant has pleaded "not guilty" to each of the charges against him and he is presumed innocent. A defendant does not have to prove anything. The government bears the burden of proving the guilt of each defendant beyond a reasonable doubt.

Because there has been a high degree of publicity about this case and some of its participants, the court has directed that this juror questionnaire be sent to you. Neither your identity nor your answers will be released to the general public or the media, though you may be questioned about individual answers during the jury selection process.

Thank you for your cooperation.

Juror	No.	

JUROR QUESTIONNAIRE

(Please PRINT your answers in INK)

Hardship question:

The Court and the parties estimate that the trial in this case will last approximately six (6) months. Jurors will be paid an attendance fee of \$40.00 per day for the first thirty (30) days of trial, and \$50.00 per day thereafter. Lunch will be provided daily, and your transportation costs will be reimbursed.

Jury service is one of the highest duties and privileges of a citizen. The participation of people like yourself is essential to the proper administration of justice. The Court recognizes that not everyone can serve on a case of this length. However, mere inconvenience or the usual financial hardships of jury service will not be enough to excuse you. You must show that service in this case would cause an unacceptable amount of personal hardship.

Would you h	ave a serious hardship if	chosen for this case?	
YES,		hardship if chosen for this case. Ple ly explain your hardship. You must st	
NO,	I would have <u>not</u> have a sonto the next section of	serious hardship if chosen for this cas the questionnaire.	e. Please move
type o For ex emplo	of job and business without cample, simply list "recept	Iship, and list your current occupation it giving details of your employer's nationist, "business executive", "school te retired or unemployed, please indicate Please write legibly.	ame or address. eacher" or "self-
Occup	oation:	Your Age:	
Are vo	ou self-employed?	Are you retired?	

	ur hardship?
What arran	gements can you make to alleviate your hardship?
What is you	ur age?
Are you:	Male Female
•	e any problem with your hearing or vision that would make it difficult for e as a juror?
Yes	No
Do you hav juror on thi	e any medical condition that would make it difficult for you to serve as a s case?
Yes	No
If YES, <u>br</u> i	efly list the condition(s):
Are you tal	king any prescription medication that may interfere with your ability to
	or serve as a juror in any way?
Yes	No
What is yo	No ur place of birth? (Please list only the city and state, and, if outside tes, the country.)

Are you (check one)								
Sing Livir Divo	le ng with a rced/Se	- another perso parated						
(a)	(a) What is your racial/ ethnic background?							
(b) If married, what is the racial/ethnic background of your spouse?								
In w	In what Florida county do you reside?							
(a) How long have you lived in this area?								
(b)	What	other places	have you lived?					
Do y	ou read	a newspaper	regularly (at leas	t two or three time	es a week)	?		
Yes		No						
•		names of the	e newspapers you	read and indicate h	ow often y	ou read each		
	r	Once a Week	2-3 times a week	More than 4 times a week	Daily	Sunday Only		
Do y	ou watc	h any televis	ion newscasts on	a regular basis?				
Yes		No	If Yes, which o	ones?				
	Marr Sing Livir Divo Wido (a) (b) ——————————————————————————————————	Married Single Living with a Divorced/Se Widow/Widow (a) What (b) If man In what Floration (a) How a Do you read Yes If yes, list the newspaper. The of wspaper Do you watch	Married Single Living with another person Divorced/Separated Widow/Widower (a) What is your racia (b) If married, what is In what Florida county do (a) How long have yo (b) What other places Do you read a newspaper Yes No If yes, list the names of the newspaper. The of Once a weap once we week week Once a weap on the places week Once a weap once we we were we were well and the places Once a weap once we we we we were we were well and the places Once a weap once we	Married Single Living with another person as a couple Divorced/Separated Widow/Widower (a) What is your racial/ ethnic background (b) If married, what is the racial/ethnic In what Florida county do you reside? (a) How long have you lived in this are (b) What other places have you lived? Do you read a newspaper regularly (at least yes No If yes, list the names of the newspapers you newspaper. The of Once a 2-3 times a weak week week Do you watch any television newscasts on	Married Single Living with another person as a couple Divorced/Separated Widow/Widower (a) What is your racial/ ethnic background? (b) If married, what is the racial/ethnic background of you In what Florida county do you reside? (a) How long have you lived in this area? (b) What other places have you lived? Do you read a newspaper regularly (at least two or three times Yes No If yes, list the names of the newspapers you read and indicate he newspaper. The of Once a 2-3 times a More than 4	Married Single Living with another person as a couple Divorced/Separated Widow/Widower (a) What is your racial/ ethnic background? (b) If married, what is the racial/ethnic background of your spouse? In what Florida county do you reside? (a) How long have you lived in this area? (b) What other places have you lived? Do you read a newspaper regularly (at least two or three times a week) Yes No If yes, list the names of the newspapers you read and indicate how often ynewspaper. The of Once a 2-3 times a More than 4 Daily wspaper Week week times a week Do you watch any television newscasts on a regular basis?		

Is Engl	ish your first language?
Yes	No
What o	ther languages do you speak, read or understand?
Are yo	u, your spouse or a former spouse a naturalized U.S. Citizen?
Yes	No If yes, please tell us who and when they became a citizen
-	ouseholds where those languages or any of their dialects were spoken?
up in h	· ·
up in he Yes (a)	
up in he Yes(a)	ouseholds where those languages or any of their dialects were spoken? No If you speak, read or understand the Arabic or Hebrew language (or any of its dialects), would you have any difficulty relying solely upon a translator's
up in h	No If you speak, read or understand the Arabic or Hebrew language (or any of its dialects), would you have any difficulty relying solely upon a translator's translation of the evidence? Yes No a: () Employed full-time () Retired
up in he Yes(a)	No If you speak, read or understand the Arabic or Hebrew language (or any of its dialects), would you have any difficulty relying solely upon a translator's translation of the evidence? Yes No

(b)	If retired or unempl	oyed, what wa	s your primary vocation	on?
(c)	If homemaker or stu have had in the past	-	l us what jobs outside	the home (if any) you
Wha	t is (was) your job title	e?		
(a)	What are (were) you	ur duties on tha	at job?	
(b)	Do (did) you superv	rise others in th	nat job?	
	Yes No	If Yes	, how many?	
Do y	ou have a second job?	,		
Yes	No			
If Ye	es, what do you do? _			
Wha	t other jobs have you h	held as an adul	t?	
Pleas	se tell us the following	g about your ch	ildren, stepchildren a	nd/or grandchildren:
itionsl	hip Gender	Age	Level of Education	Occupation
		· · · · · · · · · · · · · · · · · · ·		

Rela	ationshi	р	Gender	Age	Level of Education	Occupation
21. type	If you of work:		ever been mar	ried, list your sp	ouse's and/or form	ner spouse's most recent
22.	Parent	s (or s	tepparents) o	ccupations: If re	tired or deceased,	what did they do before?
	Father	:		***		
	Mothe	er:	······································			
23.	of Sta	te, Int	ernal Revenu deral Bureau	e Service, Immof Investigation	igration and Natu	United States Department uralization Service, U.S. nt of Homeland Security, ernment?
	Yes		No	If yes, please	explain:	
24.	What :	is the	highest grade	of schooling yo	u have completed	?
		() () ()	8 th grade or Some high: High school	less school l graduate	() Sor () Col	mmunity college ne four-year college llege graduate et graduate
	(a)	Majo	r area(s) of st	udy:		
	(b)	Degr	ees or certific	ates:		

Trave y	ou ever served in the military?
Yes	No
Branch	and highest rank:
Has yo	ur spouse or children ever served in the military?
Yes	No
Branch	and highest rank:
Have y Storm?	ou or any children or relatives served in the recent war in Iraq or in D
Iraq: Desert	Yes No Branch and highest rank: Storm: Yes No Branch and highest rank:
If yes,	where is, or was that person stationed?
Were a	ny such persons ever in a combat situation?
Yes	No Don't Know

Palestiniainininininin	an or Arab de the family the neighbork organizations rough work/b place of wors school	s ousiness
Have you	ı had any unp	leasant experiences with Muslims, Palestinians or Arabs?
Yes	No	_ If Yes, please explain:
allegation as terroris	ns of support f sts?	ed against a Muslim defendant in a case where there are for people and/or organizations the government has designated If Yes, please explain:
		Juslims, Palestinians, Arabs or Israelis are disproportionately religious or ethnic groups?
Yes	No	If Yes, what gives you that impression?

Muslims mind and	that would mak I render a verdic olves Palestinia	ences, feelings or impressions about Palestinians, Arabs of the it difficult for you to listen to the evidence with an oper ct based solely on the evidence presented in court when the an, Arab, or Muslim men charged with various acts of
Yes	No	If Yes, please explain:
Do you f	hink Palestiniar er 11, 2001?	ns were responsible for the attack on the United States or
-	01 11, 2001.	
Septembe		Don't Know If Yes, please explain:
Septembe		Don't Know If Yes, please explain:
Yes The Government of the green the attorneys	ernment is reprough the conduction appearing in the	Don't Know If Yes, please explain: resented in this case by the United States Attorney, Paul I ct of the case is in the immediate charge of the Governmenthe courtroom. Do you or does any relative or close frience action with Paul I. Perez?

the fo	ollowing persons who will be se	following persons who will be seated at the counsel table for the government					
	Assistant United States Attorney Walter E. Furr, III Assistant United States Attorney Terry A. Zitek Trial Attorney, U.S. Department of Justice, Cherie L. Krigsman Special Agent Kerry Myers, Federal Bureau of Investigation						
	Yes No						
(a)	If you answered yes to any of this individual(s)?	the names abo	ove, describe your connect				
Do y	ou or does any relative or close t	riend know or	have any connection with a				
the fo	ollowing defense lawyers or the	ir staff:	·				
	Attamaria						
	<u>Attorneys</u>						
	Kevin Beck	Yes	No				
	Kevin Beck Stephen Bernstein		No No				
			No				
	Stephen Bernstein	Yes Yes	No				
	Stephen Bernstein M. Allison Guagliardo	Yes Yes Yes	No _ No _ No				
	Stephen Bernstein M. Allison Guagliardo Bruce G. Howie	Yes Yes Yes	No _ No _ No _ No				
	Stephen Bernstein M. Allison Guagliardo Bruce G. Howie William Moffitt	Yes Yes Yes Yes	No _ No _ No				
	Stephen Bernstein M. Allison Guagliardo Bruce G. Howie William Moffitt Linda Moreno	Yes Yes Yes Yes Yes	No _ No _ No _ No _ No				
(a)	Stephen Bernstein M. Allison Guagliardo Bruce G. Howie William Moffitt Linda Moreno Roland Fletcher Peacock Wadie E. Said	Yes Yes Yes Yes Yes	No No No No No No No No				
(a)	Stephen Bernstein M. Allison Guagliardo Bruce G. Howie William Moffitt Linda Moreno Roland Fletcher Peacock	Yes Yes Yes Yes Yes	No No No No No No No No				
(a)	Stephen Bernstein M. Allison Guagliardo Bruce G. Howie William Moffitt Linda Moreno Roland Fletcher Peacock Wadie E. Said If you answered yes to any of	Yes Yes Yes Yes Yes	No No No No No No No No				
(a)	Stephen Bernstein M. Allison Guagliardo Bruce G. Howie William Moffitt Linda Moreno Roland Fletcher Peacock Wadie E. Said If you answered yes to any of	Yes Yes Yes Yes Yes	No No No No No No No No No				

(b)	Have you seen, heard or read anything about any of these attorneys or the staff? This includes not only the media, but anything you may have hea from friends, relatives, or co-workers.				
	Yes No	_			
(c)	What have you seen,	heard or read?			
-	ou or does any relative efendants?	or close friend know	or have any connection w	ith an	
Sami	Amin Al-Arian	Yes	No		
	eeh Hammoudeh	Yes			
Ghas	san Zayed Ballut	Yes	No		
	m Nati Fariz	Yes	No		
(a)	Please explain who h	nas the connection in	detail for each individual	:	
(b)	•	media, but anythin	about any of the defenda g you may have heard from		
(b)	includes not only the	media, but anythin			

Ram	adan Abdullah Shallah	Yes _	No
Bash	ir Musa Mohammed Nafi		No
Muh	ammed Tasir Hassan Al-Khatib		_ No
Abd	Al Aziz Awda	Yes	_ No
(a)	Have you seen, heard or read ar includes not only the media, but relatives, or co-workers.	•	•
	Yes No		
(b)	What have you seen, heard or re	ad?	
defei	you seen, read or heard anything adants in this case, or have you dis	scussed this	
defer know	ndants in this case, or have you distant anything about the facts in this case.	scussed this ase?	case with anyone who clai
defer know	ndants in this case, or have you distributed anything about the facts in this case. No If Yes, pleat heard, the s	scussed this ase? se explain woource of the	
defer know	ndants in this case, or have you distributed anything about the facts in this case. No If Yes, pleat heard, the s	scussed this ase? se explain wource of the sliscussed the	nat information you have on the class of the

	Were any described as critical of the United States?
Yes_	No
(b)	What were your reactions or impressions based on what you read or heard?
the U	udge who will preside over this case is The Honorable James S. Moody, Jr. of Inited States District Court for the Middle District of Florida. Do you or does elative or close friend know or have any connection with Judge Moody or any a staff?
Yes _	No
Is the	ere anything you have seen, heard, or read about that would interfere with your
	•
court	y to render a fair verdict in this case based solely on the evidence presented in? No No
court Yes ₋ Have	?
Yes _ Have this c	? No you formed an opinion as to the innocence or guilt of any of the defendants in

	No If Yes, please explain:
that thing you lister you	case is likely to receive ongoing media attention. The Court wants to make sure this case is decided solely on the evidence in the courtroom and not based on is that are said outside the courtroom. Accordingly, the Court will be advising periodically that you must avoid reading about the case in the newspapers or aing to any radio or television reports about the case. The Court will also advise periodically that you must avoid discussing this case with friends or family during ourse of the trial. Would these requirements pose any difficulty for you?
Yes	No
	closely have you followed the media coverage of the conflict between Israel and alestinians?
Som	closely ewhat closely oo closely
(a)	If you have followed the media coverage of this event, based on what you have heard or read, have you formed any opinions about the nature of this conflict?
Yes	No
(b)	Have you formed an opinion about the conflict between the Palestinian people and the Israelis?
Yes	No

(c)		is opinion, would it make it difficult for you to sit as a fair and for in this type of case?
	Yes	No Unsure
Have	e you ever serv	ved on a jury? Yes No
	_ Civil	Date(s):
		Nature of case(s):
	_ Criminal	Date(s):
		Nature of case(s):
	_ Grand Jury	Date(s):
	·	Nature of case(s):
(a)	Was there an serve again?	nything about your jury experience that would make it difficult to
Yes _	No _	If Yes, please explain:
	•	nber of your family, or a close friend studied at the University of
Souti	h Florida?	
Yes	No _	If Yes, when?
		Course of study?
Have	e you, any men	nber of your family, or a close friend been employed at USF?
Yes	No _	If Yes, when?
		In what capacity?

Yes	No If Yes, what did you learn and from what sour	ce?
What were	your reactions or impressions based on what you saw, read or	neard?
*	y member of your family, or a close friend know the current proudy Genshaft?	esident o
USF, Ms.		esident (
USF, Ms. Yes	udy Genshaft? No r anyone close to you worked for, applied to or had training with	
USF, Ms. Yes Have you	No r anyone close to you worked for, applied to or had training withly) Any law enforcement, security or investigative agency, include not limited to the FBI, CIA, INS, Department of Homeland	h: (chec
USF, Ms. Yes Have you all that ap	No r anyone close to you worked for, applied to or had training withly) Any law enforcement, security or investigative agency, incl	h: (chec
USF, Ms. Yes Have you all that ap	No r anyone close to you worked for, applied to or had training withly) Any law enforcement, security or investigative agency, including not limited to the FBI, CIA, INS, Department of Homeland and the Department of Justice? A prison, jail, detention center or probation services? Any city or town attorney, Attorney General, state of	h: (chec uding bi Securit
USF, Ms. Yes Have you all that ap a b c.	No r anyone close to you worked for, applied to or had training withly) Any law enforcement, security or investigative agency, including not limited to the FBI, CIA, INS, Department of Homeland and the Department of Justice? A prison, jail, detention center or probation services? Any city or town attorney, Attorney General, state of prosecutor, or court?	h: (checuding but Securit
USF, Ms. Yes Have you all that ap a b.	No r anyone close to you worked for, applied to or had training withly) Any law enforcement, security or investigative agency, including not limited to the FBI, CIA, INS, Department of Homeland and the Department of Justice? A prison, jail, detention center or probation services? Any city or town attorney, Attorney General, state of	h: (chec uding bi Securit

Yes	No If Yes, please briefly describe that effort and your lev of participation:
•	a member of your family had any legal action or dispute with the Unite of its agencies, or any officer, agents or employees of the United State
Yes	No
If yes, ple	e explain the nature of your interest in such proceedings:
	- Company - Comp
	Tanana - Ta
•	endor or a contractor for the United States Government or do you wo
for one?	endor or a contractor for the United States Government or do you wo
for one? Yes Some of t	
for one? Yes Some of tafford each	No defendants are citizens of the United States and some are not. Would yo
Yes Yes Some of t afford eac Yes	No defendants are citizens of the United States and some are not. Would you of the defendants the same consideration? No
Yes Yes Some of t afford eac Yes	No defendants are citizens of the United States and some are not. Would you of the defendants the same consideration?
for one? Yes Some of tafford each Yes	No defendants are citizens of the United States and some are not. Would you of the defendants the same consideration? No
for one? Yes Some of t afford each Yes What are Do you b	No defendants are citizens of the United States and some are not. Would you of the defendants the same consideration? No

		If yes, please explain:
any other la	•	e to you ever had an experience involving the police, FBI, or nt agency, including being interviewed by or making a report ficer?
Yes	No	If Yes, please explain:
		y member or close friend ever been the victim of an act of
	_	orted or not? If Yes, please explain who (relation to you) and circumstances.

Have you crime?	ı or has a fan	nily member or close friend ever been falsely accused of a
Yes	No	_ If Yes, please explain:
-	pelieve that th and non-citizer	ne protections of free speech in a democracy extend both to
Yes	No	_ If not, please explain:
•		the criticism of United States foreign policy is protected free Amendment to the U.S. Constitution?
speech u	nder the First.	
Yes	nder the First.	Amendment to the U. S. Constitution?

testify in			_	used of a crime of sed against him.	
If a perso	on does not tel	ll his side of the	e story, do you	ı feel he is more	likely guilty?
Yes	No	_ Why or w	'hy not?		
taking pl known as evidence	ace over the "wiretaps." I is lawfully be	telephone throuse Before received fore you and you	ugh the use o l in evidence, the u may give it the	ape recordings of electronic developments of the court will have the weight you derivate conversations.	vices commonly ve ruled that this eem appropriate.
well as e	vidence seized some of the d	d pursuant to la	wful searches	phic and physica of various place about surveilland	es, including the
and expla personal,	in to you the e religious, phi	elements of the cilosophical or o	crimes charged other beliefs as	nd duty to charge d in the indictme s to what the law structions of the	nt. Do you have is or should be
Yes	No				

ability to fa	thing about the nature of the charges in this case that would affect your irly evaluate the evidence regarding whether or not the government has guilt of the defendants beyond a reasonable doubt?
Yes	No
If yes, pleas	e explain:
Is there an defendants i	y reason that you could not be completely fair and impartial to the in this case?
Yes	No
-	reason that you could not be completely fair and impartial to the tin this case?
Yes	No
If you answ	ered either of the two previous questions "yes," please explain:
Is there any about?	matter not covered by this questionnaire that you feel you should tell us
Yes	No
	e explain:

JUROR'S OATH:

is true and correct. I further declare that I have one's assistance.
Juror Number
Date

Date Printed: 06/24/2004

Notice sent to:

Walter E. Furr, Esq.
U.S. Attorney's Office
Middle District of Florida
400 N. Tampa St., Suite 3200
Tampa, FL 33602

8:03-cr-00077 jlh

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8:03-cr-00077 jlh

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8:03-cr-00077 jlh

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8:03-cr-00077 jlh